

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Maxim V. Kuklin,

Plaintiff,

v.

Civil No. 17-5416 (JNE/KMM)
ORDER

Regents of the University of Minnesota, et al.,

Defendants.

This matter is before the Court on a Report and Recommendation (“R&R”) issued by the Honorable Katherine Menendez, United States Magistrate Judge, on July 9, 2018. ECF No. 55. The R&R recommends dismissing this action because sovereign and qualified immunity bars certain claims, and Plaintiffs failed to state a cause of action with respect to the remaining claims. *Id.* Plaintiffs objected to the R&R’s analysis and recommendation. ECF No. 56. Defendants responded in support of the R&R’s recommended disposition. ECF. No. 57. The Court conducted a de novo review of the record. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b)(3).

Plaintiff objects to the R&R’s conclusion that there is “no clearly established right to due process in the context of an academic dismissal.” ECF No. 56 at 1. However, even if the Court assumes that a clearly established right to due process exists, qualified immunity still bars his claim. Government officials are entitled to qualified immunity unless the officials (1) violated a constitutional right that (2) was “clearly established at the time such that a reasonable person would have known that his conduct violated the law.” *Monroe v. Arkansas State Univ.*, 495 F.3d 591, 594 (8th Cir. 2007). Plaintiff has

not alleged conduct that “any reasonable official in the defendant’s shoes would have understood” to violate Plaintiff’s due process rights. *Cf. Plumhoff v. Rickard*, 134 S. Ct. 2012, 2023 (2014). Thus, the Court agrees with the R&R’s conclusion that Defendants are entitled to qualified immunity with respect to Count I. For the remaining counts, the Court adopts the R&R in all other respects. Therefore, IT IS ORDERED THAT:

1. Plaintiff’s objections to the Report and Recommendation [ECF No. 56] are OVERRULED.
2. Defendants’ Motion to Dismiss [ECF No. 43] is GRANTED.
3. Plaintiff’s Motion for Preliminary Injunction [ECF No. 26] is DENIED AS MOOT.
4. The case be DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 5, 2018

s/ Joan N. Erickson
JOAN N. ERICKSEN
United States District Judge